

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY E. CAFFREY,

Petitioner,

v.

JIM BLODGETT,

Respondent.

Case No. C97-5356RJB

ORDER DENYING
MOTION

This matter comes before the court on petitioner's motion for reconsideration. Dkt. 43. The court has considered the pleadings filed in support of the motion and the file herein.

On June 2, 1997, petitioner filed a petition for writ of habeas corpus. Dkt. 1. On July 22, 1997, the court appointed the Federal Public Defender to represent petitioner. Dkt. 13. On June 15, 1998, the court denied the petition for writ of habeas corpus. Dkt. 36. On November 4, 1998, the Ninth Circuit U.S. Court of Appeals dismissed the appeal and denied a Certificate of Appealability. Dkt. 42.

On August 2, 2010, petitioner filed a motion, requesting the court to inform him whether he may file a motion for reconsideration "this late", in light of the United States Supreme Court's decision in *Holland v. Florida*, 130 S.Ct. 2549 (2010)((remanding for Circuit court to determine whether habeas petitioner had presented an "extraordinary circumstance" to justify tolling the AEDPA limitations period, where his attorney failed to file federal habeas petition timely despite petitioner's many admonitions on importance of doing so, apparently failed to conduct legal research needed to ascertain the deadline despite prisoner's letters going so far as to identify the applicable legal rules, failing to provide petitioner

1 with information he requested, and failing to communicate with petitioner for a period of years).

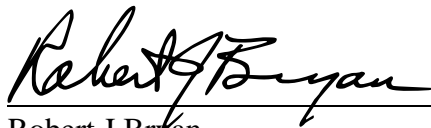
2 This case was concluded in 1998. The Ninth Circuit dismissed the appeal and denied a Certificate
3 of Appealability. Petitioner's motion for reconsideration is untimely. Petitioner remains represented by
4 counsel in this matter. If petitioner believes that he has meritorious issues regarding his conviction, he
5 should contact his counsel or the Office of the Federal Public Defender.

6 Therefore, it is hereby

7 **ORDERED** that petitioner's motion for reconsideration (Dkt. 43) is **DENIED**.

8 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
9 party appearing *pro se* at said party's last known address.

10 DATED this 10th day of August, 2010.

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14 Robert J Bryan
15 United States District Judge
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